IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 5093 of 2007(F)

PETITIONER:

B.SULEKHA, LECTURER, SELECTION GRADE (RETD), DEPARTMENT OF ENGLISH, S.N.COLLEGE, KOLLAM, RESIDING AT 'SUDINAM' KADAPPAKADA P.O., KOLLAM.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

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1. THE PRINCIPAL, S.N.COLLEGE, KOLLAM.

2. DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the representation submitted by the petitioner before the 2nd respondent dated 1.6.2006.

Ext.P2: True copy of the judgement dated 3.7.2006 in W.P.(C) No.17166/2006 of this Hon'ble Court.

Ext.P3: True copy of the authorization letter issued by the 2nd respondent dated 30.11.2006.

Ext.P4: True copy of the authorization letter issued by the 2nd respondent dated 13.12.2006.

Ext.P5: True copy of the representation submitted by the petitioner before the 2nd respondent dated 15.1.2007.

RESPONDENT'S EXHIBITS:

Ext.R2(a): True copy of the order No.PF 2(2)6869/05/Coll.Edn. Dated 24.2.2007.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.5093 OF 2007

Dated this the 13th day of August, 2007

JUDGMENT

Petitioner is a retired Selection Grade Lecturer. He retired from service on March 31, 2005 while working in S.N.College, Kollam. The two prayers in the writ petition are extracted hereunder:

> a. Issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to sanction and disburse the balance PF amount to the petitioner as mentioned in Ext.P5 with interest forthwith.
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> b. Issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to issue the statement of accounts in respect of the Kerala Private College Staff Provident Fund Account No.T07533 to the petitioner within the time limit fixed by this Hon'ble Court.

2. A counter affidavit has been filed on behalf of respondent no.2 in which it is averred that P.F. account of the petitioner was finally settled and closed with effect from March 31, 2005 for a total sum of Rs.3,69,221/-. It is seen that the petitioner was initially paid

a sum of Rs.2,78,390/-. Subsequently, a further sum of Rs.90,831/- was also paid in three instalments; viz., on November 30, 2006, December 13, 2006 and February 12, 2007. A statement showing year-wise details of petitioner's P.F. account is also furnished in the counter affidavit.

3. Learned counsel for the petitioner takes exception to the contentions raised by respondent no.2 that interest for the amount of Rs.46,292/- which was credited to petitioner's account after her retirement, would not be admissible. It is the case of the petitioner that she was not responsible for the missing credits, since the P.F. contribution was debited from her salary directly. But the petitioner is not in a position to point out the exact period during which she is entitled to get interest. There is also no clue as to the relevant dates of missing credits or as to when they were credited, etc. These are all matters which will have to be worked out by the petitioner before the appropriate authority.

With that liberty reserved in favour of the petitioner, the writ petition is closed.

A.K.BASHEER, JUDGE

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